

**ASSEMBLY BILL**

**No. 2710**

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**Introduced by Assembly Member Blumenfield**

February 19, 2010

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An act to amend Section 182.6 of the Streets and Highways Code, relating to regional transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2710, as introduced, Blumenfield. Regional transportation: regional surface transportation program funds.

Under existing law, the Department of Transportation apportions, and monitors local implementing agencies' use of, federal regional surface transportation program funds. The department shall provide written notice to implementing agencies when there is one year remaining within the 3-year deadline to utilize the funds, and the implementing agencies are required to provide the department, within 6 months of the notice date, a plan to obligate these funds to a list of projects and milestones.

This bill would require the implementing agencies to provide this report within 5 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 182.6 of the Streets and Highways Code  
2 is amended to read:

3     182.6. (a) Notwithstanding Sections 182 and 182.5, Sections  
4 188, 188.8, and 825 do not apply to the expenditure of an amount  
5 of federal funds equal to the amount of federal funds apportioned  
6 to the state pursuant to that portion of subsection (b)(3) of Section  
7 104, subsections (a) and (c) of Section 157, and subsection (d) of  
8 Section 160 of Title 23 of the United States Code that is allocated  
9 within the state subject to subsection (d)(3) of Section 133 of that  
10 code. These funds shall be known as the regional surface  
11 transportation program funds. The department, the transportation  
12 planning agencies, the county transportation commissions, and the  
13 metropolitan planning organizations may do all things necessary  
14 in their jurisdictions to secure and expend those federal funds in  
15 accordance with the intent of federal law and this chapter.

16     (b) The regional surface transportation program funds shall be  
17 apportioned by the department to the metropolitan planning  
18 organizations designated pursuant to Section 134 of Title 23 of  
19 the United States Code and, in areas where none has been  
20 designated, to the transportation planning agency designated  
21 pursuant to Section 29532 of the Government Code. The funds  
22 shall be apportioned in the manner and in accordance with the  
23 formula set forth in subsection (d)(3) of Section 133 of Title 23  
24 of the United States Code, except that the apportionment shall be  
25 among all areas of the state. Funds apportioned under this  
26 subdivision shall remain available for three federal fiscal years,  
27 including the federal fiscal year apportioned.

28     (c) Where county transportation commissions have been created  
29 by Division 12 (commencing with Section 130000) of the Public  
30 Utilities Code, all regional surface transportation program funds  
31 shall be further apportioned by the metropolitan planning  
32 organization to the county transportation commission on the basis  
33 of relative population.

34     In the Monterey Bay region, all regional surface transportation  
35 program funds shall be further apportioned, on the basis of relative  
36 population, by the metropolitan planning organization to the  
37 regional transportation planning agencies designated under  
38 subdivision (b) of Section 29532 of the Government Code.

1 (d) The applicable metropolitan planning organization, county  
2 transportation commission, or transportation planning agency shall  
3 annually apportion the regional surface transportation program  
4 funds for projects in each county, as follows:

5 (1) An amount equal to the amount apportioned under the  
6 federal-aid urban program in federal fiscal year 1990–91 adjusted  
7 for population. The adjustment for population shall be based on  
8 the population determined in the 1990 federal census except that  
9 no county shall be apportioned less than 110 percent of the  
10 apportionment received in the 1990–91 fiscal year. These funds  
11 shall be apportioned for projects implemented by cities, counties,  
12 and other transportation agencies on a fair and equitable basis  
13 based upon an annually updated five-year average of allocations.  
14 Projects shall be nominated by cities, counties, transit operators,  
15 and other public transportation agencies through a process that  
16 directly involves local government representatives.

17 (2) An amount not less than 110 percent of the amount that the  
18 county was apportioned under the federal-aid secondary program  
19 in federal fiscal year 1990–91, for use by that county.

20 (e) The department shall notify each metropolitan planning  
21 organization, county transportation commission, and transportation  
22 planning agency receiving an apportionment under this section,  
23 as soon as possible each year, of the amount of obligation authority  
24 estimated to be available for program purposes.

25 The metropolitan planning organization and transportation  
26 planning agency, in cooperation with the department, congestion  
27 management agencies, cities, counties, and affected transit  
28 operators, shall select and program projects in conformance with  
29 federal law. The metropolitan planning organization and  
30 transportation planning agency shall submit its transportation  
31 improvement program prepared pursuant to Section 134 of Title  
32 23 of the United States Code to the department for incorporation  
33 into the state transportation improvement program not later than  
34 August 1 of each even-numbered year beginning in 1994.

35 (f) Not later than July 1 of each year, the metropolitan planning  
36 organizations, and the regional transportation planning agencies,  
37 receiving obligational authority under this article shall notify the  
38 department of the projected amount of obligational authority that  
39 each entity intends to use during the remainder of the current  
40 federal fiscal year, including, but not limited to, a list of projects

1 that will be obligated by the end of the current federal fiscal year.  
2 Any federal obligational authority that will not be used shall be  
3 redistributed by the department to other projects in a manner that  
4 ensures that the state will continue to compete for and receive  
5 increased obligational authority during the federal redistribution  
6 of obligational authority. If the department does not have sufficient  
7 federal apportionments to fully use excess obligational authority,  
8 the metropolitan planning organizations or regional transportation  
9 planning agencies relinquishing obligational authority shall make  
10 sufficient apportionments available to the department to fund  
11 alternate projects, when practical, within the geographical areas  
12 relinquishing the obligational authority. Notwithstanding this  
13 subdivision, the department shall comply with subsections (d)(3)  
14 and (f) of Section 133 of Title 23 of the United States Code.

15 (g) A regional transportation planning agency that is not  
16 designated as, nor represented by, a metropolitan planning  
17 organization with an urbanized area population greater than  
18 200,000 pursuant to the 1990 federal census may exchange its  
19 annual apportionment received pursuant to this section on a  
20 dollar-for-dollar basis for nonfederal State Highway Account funds,  
21 which shall be apportioned in accordance with subdivision (d).

22 (h) (1) If a regional transportation planning agency described  
23 in subdivision (g) does not elect to exchange its annual  
24 apportionment, a county located within the boundaries of that  
25 regional transportation planning agency may elect to exchange its  
26 annual apportionment received pursuant to paragraph (2) of  
27 subdivision (d) for nonfederal State Highway Account funds.

28 (2) A county not included in a regional transportation planning  
29 agency described in subdivision (g), whose apportionment pursuant  
30 to paragraph (2) of subdivision (d) was less than 1 percent of the  
31 total amount apportioned to all counties in the state, may exchange  
32 its apportionment for nonfederal State Highway Account funds.  
33 If the apportionment to the county was more than  $3\frac{1}{2}$  percent of  
34 the total apportioned to all counties in the state, it may exchange  
35 that portion of its apportionment in excess of  $3\frac{1}{2}$  percent for  
36 nonfederal State Highway Account funds. Exchange funds received  
37 by a county pursuant to this section may be used for any  
38 transportation purpose.

39 (i) The department shall be responsible for closely monitoring  
40 the use of federal transportation funds, including regional surface

1 transportation program funds to assure full and timely use. The  
2 department shall prepare a quarterly report for submission to the  
3 commission regarding the progress in use of all federal  
4 transportation funds. The department shall notify the commission  
5 and the appropriate implementation agency whenever there is a  
6 failure to use federal funds within the three-year apportionment  
7 period established under subdivision (b).

8 (j) The department shall provide written notice to implementing  
9 agencies when there is one year remaining within the three-year  
10 apportionment period established under subdivision (b) of this  
11 section.

12 (k) Within ~~six~~ *five* months of the date of notification required  
13 under subdivision (j), the implementing agency shall provide to  
14 the department a plan to obligate funds that includes, but need not  
15 be limited to, a list of projects and milestones.

16 (l) If the implementing agency has not met the milestones  
17 established in the implementation plan required under subdivision  
18 (k), prior to the end of the three-year apportionment period  
19 established under subdivision (b), the commission shall redirect  
20 those funds for use on other transportation projects in the state.

21 (m) Notwithstanding subdivisions (g) and (h), regional surface  
22 transportation program funds available under this section  
23 exchanged pursuant to Section 182.8 may be loaned to and  
24 expended by the department. The department shall repay from the  
25 State Highway Account to the Traffic Congestion Relief Fund all  
26 funds received as federal reimbursements for funds exchanged  
27 under Section 182.8 as they are received from the Federal Highway  
28 Administration, except that those repayments are not required to  
29 be made more frequently than on a quarterly basis.

30 (n) Prior to determining the amount for local subvention required  
31 by this section, the department shall first deduct the amount  
32 authorized by the Legislature for increased department oversight  
33 of the federal subvented program.

34 SEC. 2. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.